CONFERENCE OF THE EIGHTEEN-NATION COMMITTEE ON DISARMAMENT

ENDC/255/Rev.1
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UNITED KINGDOM

Revised draft Convention for the Prohibition of Biological Methods of Warfare and accompanying draft Security Council Resolution

REVISED DRAFT CONVENTION

THE STATES CONCLUDING THIS CONVENTION, hereinafter referred to as the "Parties to the Convention".

RECALLING that many States have become Parties to The Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925,

RECOGNISING the contribution that the said Protocol has already made, and continues to make, to mitigating the horrors of war,

RECALLING FURTHER United Nations General Assembly Resolutions 2162B (XXI) of 5 December, 1966, and 2454 A (XXIII) of 20 December, 1968, which called for strict observance by all States of the principles and objectives of the Geneva Protocol and invited all States to accede to it,

BELIEVING that chemical and biological discoveries should be used only for the betterment of human life,

RECOGNISING nevertheless that the development of scientific knowledge throughout the world will increase the risk of eventual use of biological methods of warfare,

CONVINCE that such use would be repugnant to the conscience of mankind and that no effort should be spared to minimise this risk,

DESIRING therefore to reinforce the Geneva Protocol by the conclusion of a Convention making special provision in this field,

DECLARING their belief that, in particular, provision should be made for the prohibition of recourse to biological methods of warfare in any circumstances.

HAVE AGREED as follows:

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ARTICLE I

Each of the Parties to the Convention undertakes, insofar as it may not already be committed in that respect under Treaties or other instruments in force prohibiting the use of chemical and biological methods of warfare, never in any circumstances, by making use for hostile purposes of microbial or other biological agents causing death, damage or disease by infection or infestation to man, other animals, or crops, to engage in biological methods of warfare.

ARTICLE II

Each of the Parties to the Convention undertakes:

(a) not to produce or otherwise acquire, or assist in or permit the production or acquisition of:

(i) microbial or other biological agents of types and in quantities that have no independent justification for prophylactic or other peaceful purposes;

(ii) ancillary equipment or vectors the purpose of which is to facilitate the use of such agents for hostile purposes;

(b) not to conduct, assist or permit research aimed at production of the kind prohibited in sub-paragraph (a) of this Article; and

(c) to destroy, or divert to peaceful purposes, within three months after the Convention comes into force for that Party, any stocks in its possession of such agents or ancillary equipment or vectors as have been produced or otherwise acquired for hostile purposes.

ARTICLE III

1. Any Party to the Convention which believes that biological methods of warfare have been used against it may lodge a complaint with the Secretary-General of the United Nations, submitting all evidence at its disposal in support of the complaint, and request that the complaint be investigated and that a report on the result of the investigation be submitted to the Security Council.

2. Any Party to the Convention which believes that another Party has acted in breach of its undertaking under Articles I and II of the Convention, but which is not entitled to lodge a complaint under Paragraph I of this Article, may lodge a complaint with the Security Council, submitting all evidence at its disposal, and request that the complaint be investigated.

3. Each of the Parties to the Convention undertakes to co-operate fully with the Secretary-General and his authorised representatives in any investigation he may carry out, as a result of a complaint, in accordance with Security Council Resolution No.....

ARTICLE IV

Each of the Parties to the Convention affirms its intention to provide or support appropriate assistance, in accordance with the United Nations Charter, to any Party to the Convention, if the Security Council concludes that biological methods of warfare have been used against that Party.

ARTICLE V

Each of the Parties to the Convention undertakes to pursue negotiations in good faith on effective measures to strengthen the existing constraints on chemical methods of warfare.

ARTICLE VI

Nothing contained in the present Convention shall be construed as in any way limiting or derogating from obligations assumed by any State under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June, 1925.

ARTICLE VII

[Provisions for amendments.]

ARTICLE VIII

[Provisions for Signature, Ratification, Entry into Force, etc.]

ARTICLE IX

1. This Convention shall be of unlimited duration.

2. Each Party shall in exercising its national sovereignty have the right to withdraw from the Convention, if it decides that extraordinary events, related to the subject matter of this Convention, have jeopardised the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Convention and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardised its supreme interests.

ARTICLE X

[Provisions on languages of texts, etc.]

REVISED DRAFT SECURITY COUNCIL RESOLUTION

THE SECURITY COUNCIL,

WELCOMING the desire of a large number of States to subscribe to the Convention for the Prohibition of Biological Methods of Warfare, and thereby undertake never to engage in such methods of warfare; to prohibit the production and research aimed at the production of biological weapons; and to destroy, or divert to peaceful purposes, such weapons as may already be in their possession,

NOTING that under Article III of the Convention, Parties will have the right to lodge complaints and to request that the complaints be investigated,

RECOGNISING the need, if confidence in the Convention is to be established, for appropriate arrangements to be made in advance for the investigation of any such complaints, and the particular need for urgency in the investigation of complaints of the use of biological methods of warfare,

NOTING further the declared intention of Parties to the Convention to provide or support appropriate assistance, in accordance with the Charter, to any other Party to the Convention, if the Security Council concludes that biological methods of warfare have been used against that Party,

REAFFIRMING in particular the inherent right, recognised under Article 51 of the Charter, of individual and collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security,

1. Requests the Secretary-General
   (a) to take such measures as will enable him
      (i) to investigate without delay any complaints lodged with him in accordance with Article III.1 of the Convention;
      (ii) if so requested by the Security Council, to investigate any complaint made in accordance with Article III.2 of the Convention; and
   (b) to report to the Security Council on the result of any such investigation.
2. Declares its readiness to give urgent consideration
   (a) to any complaint that may be lodged with it under Article III.2 of the Convention; and

(b) to any report that the Secretary-General may submit in accordance with operative paragraph 1 of this Resolution on the result of his investigation of a complaint; and if it concludes that the complaint is well-founded, to consider urgently what action it should take or recommend in accordance with the Charter.

3. Calls upon Member States and upon Specialised Agencies of the United Nations to co-operate as appropriate with the Secretary-General for the fulfilment of the purposes of this Resolution.